and, *when both are* committed, must constitute *but one legal offense*, they should be included in one charge." The familiar example given is of assault and battery; these are separate acts, and yet when both are committed they may be prosecuted in the same court, since both taken together constitute but *one legal offense*. The point of the case under discussion is: All murder by beating and murder by shooting, taken together, constitute but one legal offense. It would seem that they are separate offenses and should be charged in different counts, since each by itself constitutes a legal offense.

DEFECTIVE HIGHWAYS—PROXIMATE CAUSE—ABSENCE OF GUARD RAIL.—BOONE v. EAST NORWEGIAN TOWNSHIP, 43 Atl. Rep. 1025 (Penn.). Husband of plaintiff was driving over an unprotected declivity at side of highway, and the horse becoming frightened and kicking his leg over the wagon shaft, the team went over the unguarded declivity, and husband of plaintiff was killed. *Held*, that absence of guard rail was proximate cause of death, although horse had kicked his leg over wagon shaft.

There exist no finer distinctions than those made in the determination of proximate causes. This case is important as emphasizing certain characteristic cases concerning the doctrines of which there can now be no ambiguity. The leading case states that when several concurring acts or conditions of things, one of them a wrongful act of defendant, produce the injury which would not have been produced but for the wrongful act or omission, such act or omission is the proximate cause of the injury. *Campbell* v. *Stillwater*, 32 Minn. 388.

ELECTRIC WIRES—NEGLIGENCE—CONTRIBUTORY NEGLIGENCE.—DEVLIN ET AL. v. BEACON LIGHT CO., 43 Atl. Rep. 962 (Penn.). Plaintiff passing along street, stepped upon wire lying along sidewalk, which by this act of plaintiff came into contact with heavily charged wires and thus gave shock to plaintiff which caused severe injuries. *Held*, that it is negligence for Electric Light Company to leave unguarded wire lying upon street in such position that it may come into contact with heavily charged wire; also, contributory negligence must be proved and not presumed from acts of person stepping on wire.

This is one of the cases in which electrical companies are held to most rigid liability. Such a company is now held responsible for defects in insulation, non-insulation, careless constructive work, falling of poles, wires, etc. Ordinarily the rule as to negligence has embraced those cases in which a party has shown want of ordinary or reasonable care in respect to what it was the duty of the party to do or to leave undone. The prudence of the reasonable man about his own affairs was all that was required, and in the case of railroads and electric companies this degree of care would apply to the ordinary and customary apparatus of their businesses. But now the rule is extended, and electrical companies in particular must prevent the slightest possibility of injury, even though only *indirectly* caused by their apparatus, which is now considered the proximate cause. American courts are in accord on this point. The doctrine of res ipsa loquitur is given much weight.

EVIDENCE—BILL OF EXCEPTIONS NOT NECESSARY TO BRING IT BEFORE THE SUPREME COURT.—PEOPLE v. VERENSENECKOCKOCKHOFF, 58 Pac. Rep. 156.—An appeal for error in instructions to the jury as to value and effect of the evidence. *Held*, that a bill of exceptions to bring up the evidence is unnecessary.

This is an interesting decision, coming from the Supreme Court of California whose opinions are generally held to be good law, because it would appear